

Montgomery
Wirtz, VA

113

Conservation Security Program Comment Sheet

Publication of the proposed rule for the Conservation Security Program (CSP) on January 2, 2004, marks the start of the 60-day public comment period. Public comment will be an important part of creating the Conservation Security Program. You may access it via the Internet through the NRCS home page at <http://www.nrcs.usda.gov>. Select "Farm Bill." People can submit comments to david.mckay@usda.gov or mail their comments to Conservation Security Program Comments, ATTN: David McKay, Conservation Operations Division, NRCS, P.O. Box 2890, Washington, D.C. 20013.

Comments are sought on all facets of the program. The intent of this document is to summate those areas. You are encouraged to refer to the proposed rule publication for detailed information.

1. Preferred Approach (page 197): Under the constraints of a capped entitlement, the Secretary has proposed ways to still deliver an effective CSP program. NRCS is proposing an approach based on five elements. Comments are requested on this overall approach:

- Limit sign-ups: Conduct periodic CSP sign-ups
- Eligibility: Criteria should be sufficiently rigorous to insure that participants are committed to conservation stewardship. Additionally, eligibility criteria should ensure that the most pressing resource concerns are addressed.
- Contracts: Requirements should be sufficiently rigorous to ensure that participants undertake and maintain high levels of stewardship.
- Enrollment categories: Prioritize funding to insure that those producers with the highest commitment to conservation are funded first.
- Payments: Structure payments to ensure that environmental benefits will be achieved.

(A more detailed description of this approach can be found on page 197 under the heading *NRCS Preferred Approach*.)

Comments: What will be the content of a Conservation Security Plan? How much priority to producers who provide assessment & evaluation info? Will land ownership be given priority over rented land?

2. Funding Enrollment Categories (page 198, 3rd column). Under "4. Prioritize Funding To Ensure That Those Producers With the Highest Commitment to Conservation Are Funded First," NRCS is inviting comment on how to handle situations where there may be insufficient funds for all enrollment categories.

Comments: How are the categories of subcategories going to be prioritized? A watershed problem may not be a problem on a farm within the watershed.

3. Enhancement Activities (page 199, column 1 and 2). The Statute offers five types of enhancement activities and NRCS is seeking comments on the following concepts:

- The improvement of a significant resource concern to a condition that exceeds the requirements for the participant's tier of participation and contract requirements.
- An improvement in a priority local resource condition.
- Participation in an on-farm conservation research, demonstration or pilot project.
- Cooperation with other producers to implement watershed or regional resource conservation plans that involve at least 75% of the producers in the targeted area.
- Implementation of assessment and evaluation activities relating to practices included in the CSP.

Comments: Tenants change from year to year and the next farmer may not be interested in continuing CSP so ownership is the key. No rental or third party stakeholders. Continued participation will not be the most benefit

4. Alternative Approaches (page 199 and 200). In addition to the preferred approach, NRCS considered several alternatives. NRCS is seeking comments on the proposed approach and these alternatives.

- Use enrollment categories to prioritize CSP resources in high priority watersheds identified by NRCS administrative regions.
- Apportion the limited budget according to a formula of some kind, for example by discounting each participant's contract payment equally.
- Close sign-up once available funds are exhausted.
- Limit the number of tiers of participation offered.
- Only allow historic stewards to participate – only those who have already completed the highest conservation achievement would be funded.

Comments: Closing sign up as funds are exhausted is a bad idea. Limiting tiers is also a bad idea. Historic stewards fulfill the goal of "reward the best motivate the rest"

5. Limited Resource Producers (page 201, column 3). NRCS welcomes examples and suggestions for identifying conservation opportunities related to limited resource operations. Comments regarding how other programs could best help limited resource

and other less capitalized producers to become eligible for CSP, given the stewardship standards to participate, are also welcome.

Comments: conservation efforts are low priority for limited
resource producers but if they can qualify for Tier I
then funds should be available

6. Leveraging CSP (page 201, column 3). NRCS is seeking comment on the opportunity to use CSP in a collaborative mode with other programs to effectively leverage the Federal contribution to resource improvement and enhancement.

Comments: this program has the potential to bring
higher grade participants to the environmental programs

7. Leveraging CSP (page 202, column 1). NRCS is seeking comment on how to implement a program that uses collaboration and leveraging of funds to achieve resource improvements on working agricultural lands through intensive management activities and innovative technologies.

Comments: the higher grade participants will bring intensive
management and innovative technology customized to fit
their own operations to achieve maximum environmental
benefit

8. Environmental Performance, Evaluation and Accountability (page 202, column 3). NRCS welcomes comments and suggestions for designing and implementing monitoring approaches, and suggestions as to what data and information would be most useful to ensure a high level of accountability for CSP.

Comments: Studying the effects of CSP will give
sellable results for future congressional funding

9. Significant Resource Concerns (page 203). NRCS is proposing to designate water quality and soil quality as nationally significant resource concerns. NRCS requests additional public comment on the use of nationally significant resource concerns.

Comments: States and localities should ~~designate~~
designate significant resource concerns

10. **Definition of Agricultural Operation** (page 205, column 2). The Act refers to "agricultural operation" without defining the term. NRCS has evaluated various definition alternatives and is seeking comment on their chosen proposed definition found on page 205, column 2. This definition is the same as used in the Great Plains Conservation Program (GPCP).

Comments: the definition in section 1469.3 seems like a
good option to include whole farm contracts

11. **Incidental Forest Land** (page 206, column 1). Forestland offered for inclusion in a CSP contract as an incidental part of the agricultural operation must meet the guidelines listed on page 206, column 1. NRCS is seeking comments on the usefulness of these guidelines for managing questions relative to the inclusion of incidental forested lands in CSP contracts.

Comments: _____

12. **Incidental Forest Land Treatment** (page 206, column 1). Another issue that NRCS seeks guidance on is the question of what level of treatment should be required for the forestland that is included in the CSP contract as land incidental to the agricultural operation?

Comments: Undisturbed forestland doesn't need any
treatment and can be included in a wildlife conservation
plan

13. **Enhancement Payments** (page 206, column 3). NRCS seeks additional comments on the construction and calculation of enhancement payments.

Comments: payment should be calculated based on cost
of the activity and the benefit. producers who participate

in research and promotion should receive more than those who just implement plans.

14. Contract Limits (page 206, column 3). NRCS seeking additional comments on the idea of a one-producer, one-contract approach brought up by the respondents to the Advanced Notice of Proposed Rule.

Comments: "a one producer one contract" would cut down on administrative costs therefore would be the best way to handle the contracts

15. Administration (page 208, column 2). One important aspect of CSP administration is the procedures NRCS will follow if NRCS receives more eligible applications than it can fund. NRCS is specifically seeking comment on how to select the contracts of the pool of eligible producers to best serve the purpose of the program.

Comments: Start with producers who will participate in research and assessment and evaluation projects that will begin a basic measure of the effectiveness of the program

16. Changes in Landuse (page 209, column 3). In some instances a management decision may be made that causes a major shift in land use, such as changes from a less intensive use or from a more intensive landuse. This change in land use may change the base payment eligibility. NRCS is asking comment on how this situation can be addressed in the rule.

Comments: _____

17. Eligibility Requirements (page 210, column 1). Concerns were expressed through the Advanced Notice of Proposed Rule process that producers not accept stewardship payments while at the same time operating land outside the CSP contract at a less-than-acceptable level of treatment. NRCS is seeking comments on this provision.

Comments: Control of the land should be a provision of the contract and it should encompass the whole farm approach

18. Eligibility Requirements (page 210, column 2). Producers who have historically met or exceeded the requirements, in some cases, may have endured a flood, fire, or other event that has either destroyed or damaged practices that would have made them eligible for CSP. NRCS is seeking comment on whether there should be any special dispensation or consideration given for this situation.

Comments: No extra consideration is needed other than continuing payments as that would provide needed funding to fix disaster damage

19. Eligibility Requirements (page 210, column 2). Once the highest ranked watershed's applications were funded, the next watershed would be funded, etc. Funding would be distributed to each priority watershed to fund subcategories until it was exhausted. NRCS is seeking comment on how each watershed would be funded.

Comments: _____

20. Eligibility Requirements (page 210, column 3). As a contract requirement, the participant will be required to do additional conservation practices, measures, or enhancements as outlined in this section and in the sign-up announcement. NRCS is seeking comment on these minimum eligibility and contract requirements.

Comments: at some point additional conservation practices become unnecessary and non cost effective but additional practices should be required based on farm need

21. Eligibility Requirements (page 210, column 3). NRCS is also seeking comments on the utility of a self-screening tool (both Web-based and hardcopy) to assist producers in determining if they should consider application to CSP. Should this self-screening tool be a regulatory requirement as described in the proposed rule?

Comments: although a helpful tool for NRCS to prevent unnecessary ~~for~~ workload it should not be a requirement

22. Enrollment Categories (page 211, column 1). NRCS proposing to fund as many subcategories within the last category to be funded as possible. Additionally, NRCS is seeking comments on whether the remaining subcategories should be offered pro-rated payments, or not funded at all

Comments: No prorated payments

23. Enrollment Categories (page 211, column 1). NRCS is seeking comments on whether it should partially fund applications, or whether only those categories and subcategories that could be fully funded would be offered a CSP contract.

Comments: only fully funded CSP contracts should be offered

24. Conservation Practices (page 211, column 3). NRCS is proposing to utilize the new practice component of CSP to provide cost-share when practices are needed, although at a lower cost share than other USDA programs, to minimize redundancy between CSP and other existing USDA conservation programs. NRCS seeks comment on whether this approach will encourage participants to install practices through other programs in order to become eligible for CSP.

Comments: any cost share produces redundancy
this program is to "reward the best motivate the rest"

25. Technical Assistance (page 211 and 212). CSP technical assistance tasks identified include: 1) Conduct the sign-up and application process; 2) Conduct conservation planning; conservation practice survey, layout, design, installation, and certification; 3) Training, certification, and quality assurance of professional conservationists; and 4) Evaluation and assessment of the producer's operation and maintenance needs. NRCS is seeking comments on which tasks would be appropriate for approved or certified Technical Service Providers.

Comments: Training & Certification of professional conservationist
is an unnecessary task

26. Additional Requirements for Tier I and Tier II (page 212, column 2). NRCS is proposing that CSP participants must address the following by the end of their contract:

- Tier I contracts must address the national significant resource concerns and any additional requirements as required in the enrollment category or sign-up announcement; and
- Tier II would require a significant resource concern, other than the national significant resource concerns, to be selected by the applicant over the entire agricultural operation.

NRCS is seeking comment on the value of these additional requirements for Tier I and II contracts in order to maximize the environmental performance of the CSP program.

Comments: _____

27. Tier Transition (page 212, column 2). NRCS is proposing a mechanism for a participant to transition to a higher tier of participation and is seeking comment on this proposal (see page 212).

Comments: Spending Tier I payment on the right thing should
qualify you for Tier II and the same to transition to
Tier III a transition requirement should be part of
the contract

28. Contract Noncompliance (page 212, column 3). If the participant cannot fulfill his CSP contract commitment, the contract calls for the participant to refund any CSP payments received with interest, and forfeit any future payments under CSP. NRCS is interested in comments on this and other concerns that the public might have on noncompliance with the CSP contract requirements.

Comments: The IRS does not pay interest
on tax overpayment

29. **Rental Payment Reduction Factor** (page 213, column 1). NRCS is seeking comment on whether the reduction factor should be fixed or variable over the life of the program, with the 0.1 factor being the upper limit.

Comments: _____

30. **Assessment and Evaluation** (page 214, column 1). NRCS is seeking comments on which assessment and evaluation projects would most benefit from the involvement of CSP participants and would be most useful for program evaluation.

Comments: Comparative H₂O samples at entrance to and
exit of farm (consideration for a farmers watershed ownership/control)
check for nutrients-sediments (pollution-erosion)

31. **Enhancement Activity Payments** (page 214, column 1). NRCS is seeking comments on how to determine the appropriate payment rates for those types of enhancement activities where the payment is intended to encourage producers to change their mode of operation, but not necessarily to offset additional or more expensive activities.

Comments: _____

